

Definitions of Abuse and Neglect

9 CSR 10-5.200 (1) The following words and terms, as used in this rule, mean:

(A) Class I neglect, failure of an employee to provide reasonable or necessary services to maintain the physical and mental health of any consumer when that failure presents either imminent danger to the health, safety or welfare of a consumer, or a substantial probability that death or physical injury would result;

(B) Class II neglect, failure of an employee to provide reasonable or necessary services to a consumer according to the individualized treatment or habilitation plan, if feasible, or according to acceptable standards of care. This includes action or behavior which may cause psychological harm to a consumer due to intimidating, causing fear or otherwise creating undue anxiety;

(C) Consumer, individual (client, resident, patient) receiving services directly from any program or facility contracted, licensed, certified or funded by the department;

(D) Medications.

1. "Medication Error", a mistake in prescribing, dispensing, or administering medications. A medication error occurs if a consumer receives an incorrect drug, drug dose, dosage form, quantity, route, concentration, or rate of administration. This includes failing to administer the drug or administering the drug on an incorrect schedule. Levels of medication errors are:

A. "Minimal", medication error is one in which the consumer experiences no or minimal adverse consequences and receives no treatment or intervention other than monitoring or observation;

B. "Moderate", medication error is one in which the consumer experiences short term reversible adverse consequences and receives treatment and or intervention in addition to monitoring or observation; and

C. "Serious", medication error is one in which the consumer experiences life threatening and/or permanent adverse consequences or results in hospitalization.

2. "Serious", medication errors may be considered abuse or neglect and shall be subject to investigation by the Department of Mental Health.

(E) Misuse of funds/property, the misappropriation or conversion for any purpose of a consumer's funds or property by an employee or employees with or without the consent of the consumer;

(F) Physical abuse.

1. An employee purposefully beating, striking, wounding or injuring any consumer; or

2. In any manner whatsoever, an employee mistreating or maltreating a consumer in a brutal or inhumane manner. Physical abuse includes handling a

consumer with any more force than is reasonable for a consumer's proper control, treatment or management;

(G) Sexual abuse, any touching, directly or through clothing, of a consumer by an employee for sexual purpose or in a sexual manner. This includes but is not limited to:

1. Kissing;
2. Touching of the genitals, buttocks or breasts;
3. Causing a consumer to touch the employee for sexual purposes;
4. Promoting or observing for sexual purpose any activity or performance involving consumers including any play, motion picture, photography, dance, or other visual or written representation;
5. Failing to intervene or attempting to stop inappropriate sexual activity or performance between consumers; and/or
6. Encouraging inappropriate sexual activity or performance between consumers; and

(H) Verbal abuse, an employee using profanity or speaking in a demeaning, non-therapeutic, undignified, threatening or derogatory manner to a consumer or about a consumer in the presence of a consumer.